



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,701	06/13/2006	Nico Centofante	WUE-62	6562
7590 Thomas J Burger Wood Herron & Evans 2700 Carew Tower 441 Vine Street Cincinnati, OH 45202-2917			EXAMINER CIRIC, LJILJANA V	
			ART UNIT 3744	PAPER NUMBER
			MAIL DATE 07/23/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,701

Applicant(s)

CENTOFANTE ET AL.

Examiner

Ljiljana (Lil) V. Ciric

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2010.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
4a) Of the above claim(s) 24, 25 and 32 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 22, 23, 26-31, 33-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 December 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :06/13/2006; 01/21/2008; 02/02/2009.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of the fourth species (readable on claims 22, 23, 26 through 31, and 33 through 42) in the reply filed on April 26, 2010 is acknowledged. Note that claim 32 depends from withdrawn claim 24 and is thus also hereby withdrawn.
2. Claims 24, 25, and 32 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention of Group I, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 26, 2010.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The replacement drawings were received on December 1, 2009. These drawings are hereby approved except as set forth in the objections cited below.
5. The drawings filed on December 1, 2009 are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the features cancelled from the claims: the first source as recited in each of claims 22, 34, and 42; an operating status detecting arrangement as recited in claim 30; and, a second source as recited in claim 42. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

Art Unit: 3744

where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claims 22, 23, 26 through 31, and 33 through 42 are objected to because of the following informalities: "Device" [claim 22, line 1] should be replaced with "A device"; "Device" [line 1 of each of claims 23 and 26 through 33] should be replaced with "The device"; "Method" [claim 34, line 1] should be replaced with "A method"; "Method" [line 1 of each of claims 35 through 42] should be replaced with "The method". Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 22, 23, 26 through 31, and 33 through 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, and written in run-on fashion, thus failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and contain grammatical and idiomatic errors.

With regard to each of base claims 22 and 35, it is not clear which events are encompassed and which ones are excluded by the respective conditional limitations "in the event of a malfunction of the

first supply control arrangement" and "in the event of a malfunctioning air supply control in the first temperature area" because the term "malfunction" is a relative term not specifically defined by the claims and not specifically defined by the specification.

For example, there is insufficient antecedent basis in the claims for at least the following limitations in the claims: "the supply of heated air from a first source" [claim 22, lines 3-4; claim 34, line 2]; "the supply of heated air from the first source" [claim 23, lines 2-3; claim 35, line 2; claim 42, line 3-4]; "the corresponding pressure control arrangement" [claim 26, lines 2-3; claim 33, lines 3-4]; "the corresponding temperature area" [claim 26, lines 3-4; claim 27, line 3; claim 28, line 3; claim 29, lines 4-5; claim 33, line 3; claim 39, line 2]; "the temperature-dependent supply of heated air" [claim 28, line 2; claim 29, line 2]; "the corresponding air outlet" [claim 28, lines 3-4]; "the corresponding air outlet ducts" [claim 29, line 4]; "the corresponding supply control arrangement" [claim 30, line 3; claim 31, lines 3-4; claim 31, lines 4-5]; "the air supply" [claim 39, line 1]; and, "the air supply control" [claim 40, line 1].

With regard to claim 42 as written, the limitations following "wherein" in the claim are generally incomprehensible as written, in part due to the plural alternatives in the claim, in part due to there being one or more missing words in the claim, and in part due to the seeming redundancy of the limitations "the supply of air from the second source is at least partly replaced by a supply of air from the second source".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. As best can be understood in view of the indefiniteness of the claims, claims 22, 23, 26 through 31, and 33 through 42 are rejected under 35 U.S.C. 102(b) as being anticipated by The Garrett Corporation (GB/UK 1,383,705, made of record via IDS).

The Garrett Corporation discloses an aircraft cabin temperature control device/system and method, essentially as claimed, including, for example: plural sources/supplies of heated air readable on the three Air Conditioning Packs; at least four temperature areas or temperature control zones (Zones I-IV) having corresponding supply and pressure control arrangements, including valves, pressure detecting arrangements, and the generation and interpretation of error signals signifying malfunctions such as ice formation, etc.

The reference thus reads on the claims.

Conclusion

11. The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Art Unit: 3744

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3744